

BEFORE THE DIRECTOR
OF THE
OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W. SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF	}	DATE: July 20, 2006
	}	
Citizens to Re-Elect Florence Pendleton	}	DOCKET NO: 06C- 014
Florence Pendleton, Treasurer	}	
147 S Street, NW	}	HEARING OFFICER: William O. SanFord
Washington, DC 20001	}	

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by the Office of Campaign Finance which determined that Citizens to Re-Elect Florence Pendleton for which Florence Pendleton serves as treasurer failed to timely file on or before June 12, 2006 a June 10, 2006 Report of Receipts and Expenditures (June 10, 2006 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated June 21, 2006, OCF ordered Florence Pendleton (hereinafter respondent treasurer) to appear at a scheduled hearing on June 28, 2006 and show cause why Citizens to Re-Elect Florence Pendleton (hereinafter respondent committee) should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. (Act) and fined accordingly.

On June 26, 2006, respondent treasurer filed a notarized written response to the allegation in lieu of appearing at the scheduled hearing.

Summary of Evidence

OCF has alleged that Citizens to Re-Elect Florence Pendleton failed to timely file the statutorily required June 10, 2006 Report by June 12, 2006. In a notarized written response, the respondent treasurer stated that the report in question was not timely filed because the committee has not received or expended any funds and she was unaware that she was required to submit the report despite the fact that the committee had no receipts or expenditures during the reporting period. Respondent treasurer additionally stated that she submitted the report immediately after she received the Notice of Hearing, Statement of Violations and Order of Appearance from OCF.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file a June 10, 2006 Report with OCF on or before June 12, 2006.
2. Respondent committee did not timely file a June 10, 2006 Report with OCF.
3. Respondent treasurer submitted a June 10, 2006 to OCF on June 26, 2006.
4. Respondent committee's June 10, 2006 Report confirms Respondent treasurer's representations regarding no receipts or expenditures during the reporting period.
5. Respondent committee is currently in compliance.

Conclusion of Law

Based upon the record and evidence, I therefore conclude:

1. Citizens to Re-Elect Florence Pendleton violated D.C. Official Code Section 1-1105.05(a).
2. The penalty established at 3DCMR Sections 3711.2(f) and 3711.4 for failure to timely file a June 10, 2006 Report required by D.C. Official Code Section 1-1102.06(a) is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code Section 1-1103.05(b)(3) and 3DCMR Sections 3711.2(f) and 3711.4, Citizens to Re-Elect Florence Pendleton may be fined a maximum of \$450.00 for failing to timely file a June 10, 2006 Report.
4. For good cause shown pursuant to 3DCMR Section 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. The explanation by respondent treasurer and her immediate compliance, after being informed that the report was overdue, provide good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the case file, I hereby recommend that the Director suspend the fine that could be imposed in this matter.

Date

**William O. SanFord
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine of \$450.00 that could be imposed against Citizens to Re-Elect Florence Pendleton for failing to timely file a June 10, 2006 Report of Receipts and Expenditures is hereby suspended.

Date

**Cecily E. Collier-Montgomery
Director**

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, and 2000 14th Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

April Williams